

RESPONSE TO 51 7193 LEWN

1631210017 - St. Clair County
Sauget/Midstates T.D.F.
Compliance file 44945

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BURROUGHS, HEPLER, BROOM, MACDONALD & HEBRANK

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WM. G. BURROUGHS 1872 - 1952
M.L. BURROUGHS 1884 - 1965
JESSE L. SIMPSON 1884 - 1973
GEO. D. BURROUGHS 1873 - 1977
DAVID L. SIMPSON RETIRED

G. GORDON BURROUGHS
OF COUNSEL

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* ALSO LICENSED IN MISSOURI

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MATTHEW W. HOMANN

February 8, 1994

Ms. Deanne Virgin
Compliance Unit
Planning and Reporting Section
Bureau of Land #24
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: 1631210017 St. Clair County
Sauget/Midstates TDF
Compliance

Dear Ms. Virgin:

This letter is in response to Mr. Kenneth G. Mensing, Regional Manager, Field Operations Section's notice of inadequate compliance dated December 15, 1993, which was in response to Midstates' proposed clean-up schedule dated November 3, 1993 and directed to Paul Purseglove.

As I discussed in my November 3, 1993 letter, Midstates TDF, Inc. is no longer an operating entity. The owner of the property, Empire Chem Realty, Inc. (hereinafter "Empire") has filed bankruptcy and is under the protection of the bankruptcy court. At the time of the original letter, Empire was negotiating a lease of the premises to IPC-TDF, Inc. The proposed lease required approval by the bankruptcy court in New York, which is why we could not specify a commencement of operations date in the proposed clean-up schedule.

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FEB 09 1994

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Ms. Deanne Virgin
February 8, 1994
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IPC-TDF, Inc.'s lease was approved by the bankruptcy court on January 13, 1994, and a copy of the order is attached as Exhibit A. Therefore, we are amending the proposed clean-up schedule as follows:

PROPOSED CLEAN-UP SCHEDULE

IPC-TDF, Inc. shall occupy the subject site on or about January 18, 1994 and said date shall be the "commence work" date. The Lease Agreement is for a term of ten years. A diagram of the site is attached hereto as Exhibit B and shows the inventory of the tires and tire related by-products as presently located on the site.

The clean-up schedule and methods are as follows:

1. Whole Tires -- Prior to complete shutdown, most of the whole tire inventory as Midstates TDF, Inc. was shredded. The small amount of whole tires which remain, mostly truck tires, will be either removed from the site or shredded by April 18, 1994, by IPC-TDF, Inc.

2. Baled Material -- It is estimated that there is an inventory of about 150 tons of baled rubber material on the ground. IPC-TDF, Inc. will have either removed or shredded this material by July 17, 1994.

3. Large Piles of Material with Metal -- This is the largest material remaining on the ground at the site and therefore, our client is asking for the longest time period to solve this problem. There may be several solutions which do not require trucking and disposal to an appropriate landfill. It is proposed that within one year following commencement of operations that IPC-TDF, Inc. will have either removed or shredded this material, said completion date being January 18, 1995.

FINANCIAL ASSURANCE

As you are aware, Midstates TDF, Inc. has ceased its operations. Midstates has worked closely with Empire Chem Realty, Inc., the land owner, to help IPC-TDF, Inc. get started and to continue the important business of tire recycling. Therefore, it is proposed that the Financial Assurance provisions not be required of either Midstates TDF, Inc. or IPC-TDF, Inc. so long as the program and schedule, as proposed, is adhered to and completed. All of the obligations contained herein are part of the Lease Agreement with IPC-TDF, Inc.

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Enclosed is a letter from IPC-TDF, Inc., attached as Exhibit C, indicating that they have reviewed this proposal and agree to assume the duties and obligations as set forth herein when it is incorporated into the Lease Agreement and said agreement becomes in full force and effect. That has been accomplished as of January 18, 1994.

We shall look forward to your review and approval of this proposal.

Thank you for your attention to this matter.

Sincerely,

JACK H. HUMES, JR.

JHH/jaw

cc: Mr. William Whitaker
Mr. Mathew B. Librach
Mr. Douglas E. Hayward
Mr. Mark Holloway

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Exhibit A*new
1/21/94*

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re:

EMPIRE CHEM REALTY, INC.,

Debtor.

STIPULATION & ORDER

Chapter 11

Case No.: 93-12752

Upon Motion having been made by the debtor herein for approval of a certain proposed lease of a portion of the debtor's real property to IPC/TDF, Inc. and an objection having been made to the said application by the creditor Charles M. Pritchett, and the matter having been on to be heard by the Court on December 20, 1993, it is hereby stipulated and agreed as follows:

1. The objections to the proposed lease have been satisfied.
2. The creditor, Charles M. Pritchett, by his attorneys, Griffen, Zube & Chariff, hereby withdraw the objections and their opposition to the approval of the above-described lease; and
3. The objections having been withdrawn, the parties, by their attorneys, agree, consent and stipulate that an Order may be entered approving the proposed lease between the debtor and IPC/TDF, Inc.

GRIFFEN, ZUBE & CHARIFF

By: *[Signature]* 1/12/94

L. DAVID ZUBE, Attorney for
Creditor Charles M. Pritchett

DUPLICATE ORIGINAL

CHERNIN & GOLD

By: *[Signature]* 1/12/94

JOHN F. ARTMAN, Attorney for
Debtor

SO ORDERED,

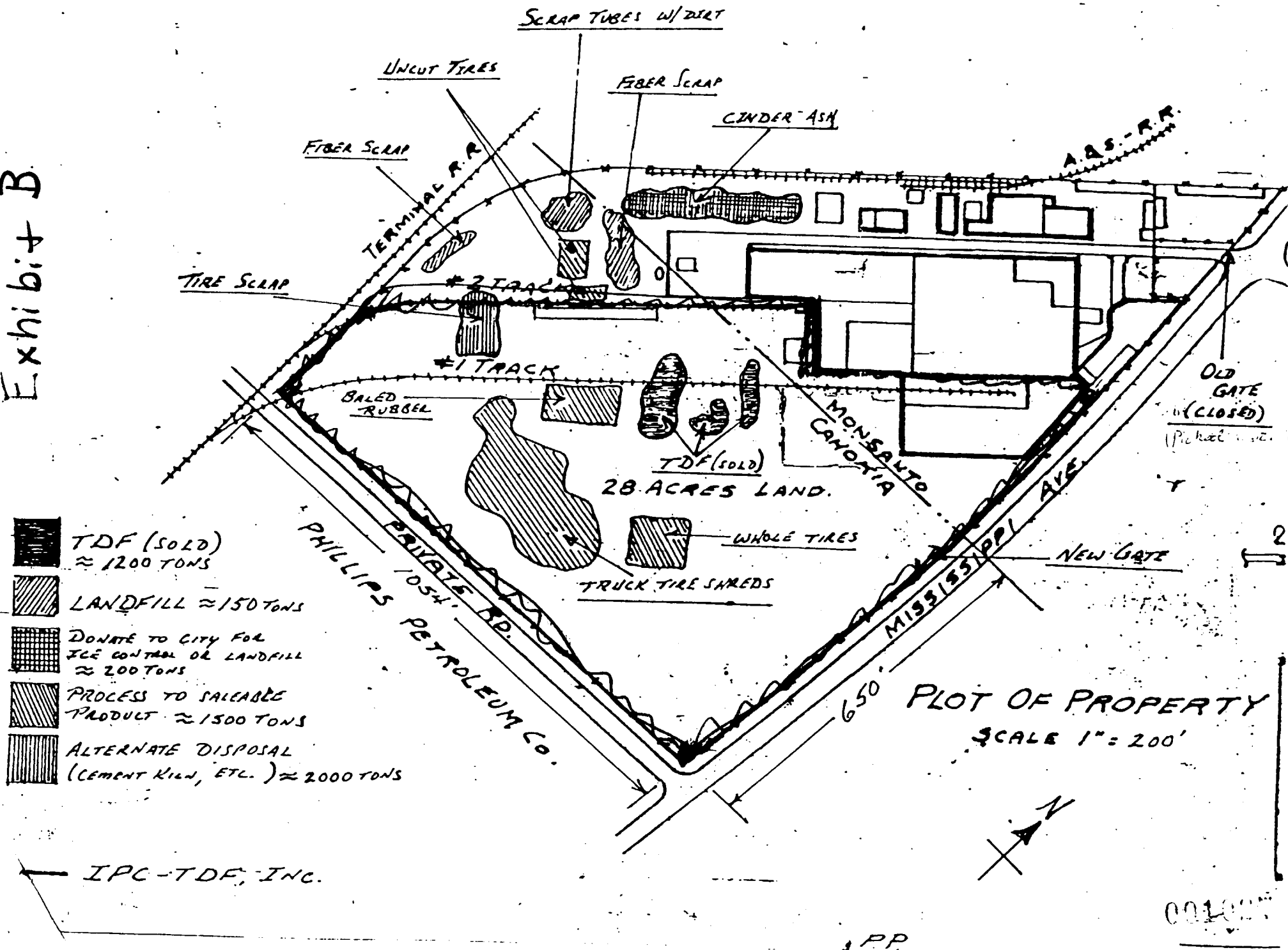
Dated:






JAN 13 1994.

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NOTED 1 13 1994

Exhibit B



-  **TDF (SOLD)**
≈ 1200 TONS
-  **LANDFILL** ≈ 150 TONS
-  **DONATE TO CITY FOR ICE CONTROL OR LANDFILL**
≈ 200 TONS
-  **PROCESS TO SALEABLE PRODUCT** ≈ 1500 TONS
-  **ALTERNATE DISPOSAL (CEMENT KILN, ETC.)** ≈ 2000 TONS

Scrap Tubes w/ dirt

Uncut Trees

Fiber Scrap

Cinder Ash

Fiber Scrap

Tire Scrap

Terminal

Baled Rubber

#1 Track

#2 Track

TDF (Solid)

28 Acres Land

Whole Tires

Truck Tire Shreds

Old Gate
Closed
(Pic hnd 10/20/66)

New Gate

Private Rd.
1054'

Phillips Petroleum Co.

Plot of Property

Scale 1" = 200'



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J.P.P.

TDF (Solid)
≈ 1200 TONS

Landfill ≈ 150 TONS

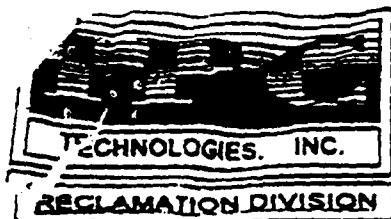
Donate to City for
Ice contain or landfill
≈ 200 TONS

Process to salable
product ≈ 1500 TONS

Alternate disposal
(Cement kiln, etc.) ≈ 2000 TONS

IPC-TDF, INC.

Exhibit C



November 5, 1993

Mr. Jack H. Humes, Jr.
Burroughs, Hepler, Broom, MacDonald & Hebrank
Two Mark Twain Plaza
Suite 300, 100 North Main Street
Edwardsville, IL 62025-0510

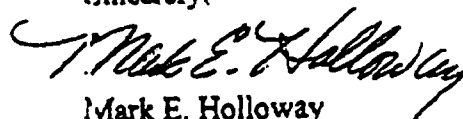
Re: Clean-up Proposal outlined in your letter to Illinois EPA dated November 3, 1993

Dear Jack,

IPC-TDF, Inc has reviewed this proposal and agrees to assume the duties and obligations as set forth therein when it is incorporated into the Lease Agreement and said Agreement becomes in full force and effect.

Thank you for your time and efforts.

Sincerely,


Mark E. Holloway
President

cc: Mr Paul M. Purselove
Mr. Douglas E. Hayward
Mr. Mathew B. Librach

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Generating Usable Products Through Recycling and Resource Recovery

4350 HORSESHOE LAKE DRIVE, GRANITE CITY, ILLINOIS 62040
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